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Letter dated 26 July 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Further to my letter addressed to you on 21 July 2004 transmitting the reply of my Government to the report of the Group of Experts established by Security Council resolution 1533 (2004), I have the honour to transmit herewith the annex referred to in paragraph 4 of the reply (see annex).

This document will demonstrate that nearly all the information provided by the Rwanda Government, including responses to specific questions, was completely ignored or trivialized. The Rwanda Government therefore takes this opportunity to reiterate its view that the report of the Group of Experts is partial and therefore lacking credibility.

We request that the present letter and its annex be circulated to all members of the Committee of the Security Council established by resolution 1533 (2004), and other members of the Council, as a document of the Security Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

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Annex to the letter dated 26 July 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Arms embargo enforcement

What concrete steps has the Government of Rwanda taken to enforce the arms embargo which was set up pursuant to Security Council resolution 1493 (2003)?

New legislation, regulations and administrative measures have been put in place to help in this endeavour. The Focal Point on Arms control has been put in place as a prevention measure. As signatory, Rwanda introduced increased border controls.

Does the Government of Rwanda have information regarding violations of the fore-mentioned arms embargo?

The Government of the Democratic Republic of the Congo continues supplying arms to Rwandan Liberation Army (ALIR)/Forces démocratiques de libération du Rwanda (FDLR)/Forces combattantes Abacunguzi (FOCA) Interahamwe and ex-Forces armées rwandaises (FAR) forces, who are still fighting since 1994. Nobody would convince us that they are still using the same weapons they carried with them to the Democratic Republic of the Congo 10 years ago. We have accurate information thanks to numerous returnees among whom high-ranking military officers.

Does the Government of Rwanda have any recommendations that would help enforce the arms embargo?

The All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo should be implemented by the transitional Government of the Democratic Republic of the Congo, which should agree and speak the same language on their issues instead of wrongly shifting all the blame onto somebody else, particularly Rwanda.

The key issue that continues to cause problems in the region is the failure by consecutive Zairean/Democratic Republic of the Congo Governments since 1994 to disarm, demobilize and repatriate for reintegration in Rwanda of the ex-FAR/Interahamwe forces as requested, agreed and signed in the bilateral, Pretoria and Lusaka Agreements. If done, we strongly believe that it would resolve existing and potential conflicts and stop subsequent trafficking of arms not only in the Democratic Republic of the Congo but also in the region.

Reinstate the verification mechanisms of the Pretoria and Lusaka Agreements, as the previous ones were never allowed to work fully.

Information has been provided to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the third party verification mechanism in the past and even today to MONUC alone, but surprisingly nothing or very little has been done. MONUC should move from inertia to action. Moreover, our intelligence reports help those we are supposed to be disarming, demobilizing for repatriation and reintegration. This is a serious matter and a concern over the credibility of MONUC in the whole exercise.

Lack of good will on behalf of the Government of the Democratic Republic of the Congo to control its borders and organize its customs stems from the non-implementation of the All-Inclusive Agreement and the establishment of various institutions by the transitional government in Kinshasa.

The implementation by the Government of the Democratic Republic of the Congo of the Nairobi Declaration on small arms is still waited for to curb on illegal flow of arms trafficking from Congo.

The international community has never spoken the same language on arms embargo in the Congo. When some talk of disarming ex-FAR/Interahamwe, others are busy arming and/or rearming them. The United Nations Security Council should take this matter more seriously, starting from its own members so as to give a good example to others.

What is the status of the Government of Rwanda's implementation of the Nairobi Declaration on Small Arms?

The Government of Rwanda has put in place the National Commission against Small Arms and Light Weapons, which is composed of the Ministry of Internal Security, the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Commerce and the Ministry of Finance. The Commission was later enlarged to include the Customs, Immigration and National Security Services.

The Government of Rwanda, in November 2003, put in place the national focal point with legislation (the 1979 law was modified in 2000), regulations and administrative measures that help in controlling the import, transfers or transit of small arms and/or light weapons (a new draft law is being tabled). The launch of the national focal point was done during a seminar on small and light weapons organized at Kigali Novotel Hotel last year. The Focal Point was also later enlarged by including members of the civil society such as Safer Rwanda, CLADHO, CCOAIB.

Rwanda is signatory to the United Nations Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons. At the continental level, Rwanda is not only signatory to the Nairobi Declaration (March 2004) but also participates in other several meetings on the issue.

Internal and border security

What are Rwanda's border security concerns with the Democratic Republic of the Congo?

The presence of ALIR/FDLR/FOCA or ex-FAR/Interahamwe on Democratic Republic of the Congo territory and subsequent continued and repeated infiltrations they organize against Rwanda.

The failure by the Democratic Republic of the Congo and the international community to implement disarmament, demobilization, rehabilitation and reintegration as agreed in different agreements and referred to by United Nations Security Council resolutions is a constant security concern indeed.

International laws, bilateral and regional agreements have never been considered by the Democratic Republic of the Congo with regard to their implementation.

Due to a large influx of returnees from Congo (1996 onwards) and bearing in mind that the Government of Rwanda has no screening capacity to deal with returnees and their lots of luggage on one hand; remembering that on the other hand the Government is duty bound to assist returnees, the Government of Rwanda's security concerns rise from that lack of logistics, food and transportation means.

The Government of Rwanda, because of the failure of MONUC to disarm ALIR/FDLR/FOCA ex-FAR/Interahamwe, has been forced to step up deployments. This is an overstretching of the existing capacity and forces the government into unplanned expenses.

What constraints does the Government of Rwanda have in maintaining border security vis-à-vis armed groups operating across its border with the Democratic Republic of the Congo? How, if at all, are these armed groups or arms traffickers able to take advantage of Rwandan infrastructure, including road transport and aviation?

Keeping an eye on ALIR/FDLR/ex-FAR/Interahamwe and keeping them at bay is a constraint in itself but they have never been allowed to operate in Rwanda.

Do you have information on activities carried out by dissident armed groups operating within or from the Democratic Republic of the Congo that impact Rwandan security? This includes business interests, consultations, illegal arms procurement and any other form of direct or indirect assistance.

See annexes A, B and C.

Records or transcripts of conversations between Forces armées congolaises and ex-FAR/Interahamwe on how to attack Rwanda are available for consultation. These were made public to members of the Diplomatic and Consular Corps during the briefing of 6 June 2004 at the Ministry of Foreign Affairs. Returnees from the Democratic Republic of the Congo also constitute a reliable source of information on activities carried out by ALIR/FDLR/FOCA/ex-FAR/Interahamwe operating in the Democratic Republic of the Congo.

What is the nature of Government of Rwanda interaction with authorities in the Kivus concerning border security issues, e.g.: information sharing, agreements on repatriation of alleged criminals, joint security patrols?

After the signature of the All-Inclusive Agreement on 11 December 2002 by Congolese, the Government of Rwanda only deals with the central Government in Kinshasa.

What are the Government of Rwanda concerns regarding the implementation of multilateral and bilateral agreements or verification mechanisms to address mutual security concerns between the Republic of Rwanda and the Democratic Republic of the Congo?

Agreements exist but their implementation has failed due to the lack of commitment on behalf of consecutive Zairean/Congolese Governments since 1994 until today. Shifting the blame on Rwanda for all Congolese evils by the Government of the Democratic Republic of the Congo and by some members of the

international community obviously does not solve the problem, as they go away from its root causes. Unfortunately, this option of easy way out has become the trend and only can encourage the Government of the Democratic Republic of the Congo to keep the status quo ...

Immigration and customs

What are the Republic of Rwanda's border crossing points?

The border crossing points are those points determined by the ministerial decree No. 08.09/Fin.4 of 27 July 1968 and implementation measures of Customs Law of 17 July 1968.

To date 17 border posts are operational.

How many customs officers are currently deployed at border crossing points between the Republic of Rwanda and the Democratic Republic of the Congo?

They were six to start with then increased to nine officers assisted by many police and immigration officers.

Has this number changed over time since the implementation of the arms embargo?

Yes.

What are opening hours at cross border points?

From 7 a.m. to 6 p.m.

How does the Government of Rwanda ensure sufficient control over its borders?

By increasing efficient and effective border patrols, logistics and manpower in border control. Increased number of qualified members from all stakeholders.

Has the Government of Rwanda granted any Congolese citizens a Rwandan passport?

Yes, official passports, on temporary terms for facilitation purposes during past peace negotiations.

Relations with foreign armed groups

Do you maintain a relationship with any of the Ituri or Kivu-based armed groups or other armed groups not a party to the All-Inclusive Agreement which is either of a military or non-military nature?

No.

Could you provide detailed information on security concerns posed by Rwandan rebel groups in the Democratic Republic of the Congo? Are they receiving any external support that could be construed as being in violation of Security Council resolution 1533 (2004)?

Please refer to Lusaka and Pretoria Agreements, they are called negative forces rather than Rwandan rebels. They are known as Interahamwe and ex-FAR, ALIR, FDLR and now called FOCA but these are different names referring to the same

guys. The current estimated strength is 20,000. For the equipment see annex D and they continue to be equipped by the Kinshasa Government.

Infiltrations from the Democratic Republic of the Congo (see annexes B and C).

More generally, does the Government of Rwanda have knowledge of, and documentation on, foreign forces or entities operating in the Democratic Republic of the Congo?

Yes. ALIR/FDLR/FOCA/ex-FAR/Interahamwe, Belgian (leading a peace support operation to train an integrated Congolese Brigade in Kisangani), MONUC ...

Is the Government of Rwanda aware of cases of arms trafficking across the border between the Republic of Rwanda and the Democratic Republic of the Congo?

No.

If so, could the Government of Rwanda provide a detailed account of them?

N/A.

Is the Government of Rwanda aware of other cases of violations of the Democratic Republic of the Congo arms embargo?

Yes, by the Government of the Democratic Republic of the Congo in violation of Lusaka and Pretoria Agreements. The ALIR/FDLR/FOCA/ex-FAR/Interahamwe, etc. ...

Aviation

What are the airlines or aircraft under contract with the Ministry of Defence or other Rwandese authorities, whether civilians or military, since July 2003?

None.

Could the Group of Experts have a copy of the contracts?

N/A.

When these aircraft operate, are they considered to be military flights? If this is the case, for what purpose?

N/A.

Do they clear customs when arriving in a neighbouring country?

N/A.

Could we have access to the Antonov 32 that made a force landing at Kigali end of May 2004?

Access to Antonov 32 is fully granted to the Group of Experts and Mr. Victor Dupere, a member of the team, inspected the aircraft on 22 June 2004.

Additionally, the Group of Experts could appreciate the opportunity to discuss with the Government of Rwanda allegations concerning Rwandan Government forces involvement in the Democratic Republic of the Congo since the imposition of the arms embargo.

False allegations, but please feel free to come and discuss the matter with Ambassador Joseph Mutaboba and other officials.

Finally, the Group of Experts would like to ask to be granted special permission to cross the Rwandan border at Gisenyi to enter into the Democratic Republic of the Congo.

This is another issue and should be subject of a different note verbale.